

RENO EVENING GAZETTE

PROOF OF PUBLICATION

STATE OF NEVADA }
COUNTY OF WASHOE } ss.

SUSAN KLEBENOW

being first duly sworn, deposes and says: That she is the legal clerk of THE RENO EVENING GAZETTE, a daily newspaper published at Reno, in Washoe County, in the State of Nevada.

That the notice⁴⁰³.....

.....
of which a copy is hereto attached, was first published in said newspaper in its issue dated the

11th day of ... November, 19 74 and

November 18,

the full period of 2 ... days, the last publication thereof being in the issue dated the 18th day

of ... November, 19 ... 74.


Signed *Susan Klebenow*

Subscribed and sworn to before me this

... 18th day of ... November, 19 ... 74

V. E. Bradley
Notary Public.

NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 403, repealing Ordinance No. 108, adopting Ordinance No. 242 entitled, "An Ordinance providing for the creating of nonexclusive franchises for the right and privilege to construct, maintain and operate a television installation system within the County of Washoe which requires the use of County property or that portion of the County dedicated to public use, for the maintenance of cables or wires on poles or any other overhead devices, for the transmission of television picture; fixing the manner of making application for said franchises; stating the purpose and character of, the terms, conditions, and period of said franchises and stating other matters properly relating thereto; repealing County Ordinance No. 108," was adopted on November 5, 1974 by Commissioners Rusk, Nelson, Pagni, Grow and Scott all voting aye.
Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.
M. K. BROWN, County Clerk
Nov. 11-18
334900-403

 **V. E. BRADLEY**
Notary Public — State of Nevada
Washoe County
My Commission Expires April 3, 1978

SUMMARY: An Ordinance providing for the creating of television franchises in Washoe County.

BILL NO. 403

ORDINANCE NO. 242

AN ORDINANCE PROVIDING FOR THE CREATING OF NONEXCLUSIVE FRANCHISES FOR THE RIGHT AND PRIVILEGE TO CONSTRUCT, MAINTAIN AND OPERATE A TELEVISION INSTALLATION SYSTEM WITHIN THE COUNTY OF WASHOE WHICH REQUIRES THE USE OF COUNTY PROPERTY OR THAT PORTION OF THE COUNTY DEDICATED TO PUBLIC USE, FOR THE MAINTENANCE OF CABLES OR WIRES ON POLES OR ANY OTHER OVERHEAD DEVICES, FOR THE TRANSMISSION OF TELEVISION PICTURE; FIXING THE MANNER OF MAKING APPLICATION FOR SAID FRANCHISES; STATING THE PURPOSE AND CHARACTER OF, THE TERMS, CONDITIONS, AND PERIOD OF SAID FRANCHISES AND STATING OTHER MATTERS PROPERLY RELATING THERETO; REPEALING COUNTY ORDINANCE NO. 108.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Purpose and Authority.

Pursuant to the power granted the Board of County Commissioners of Washoe County by Nevada Revised Statutes Section 244.185, nonexclusive franchises for the right and privilege to construct, maintain and operate a television installation system which requires the use of County property, or that portion of the County dedicated to public use, for the maintenance of cables or wires on poles or any other overhead devices, for the transmission of the television picture in any area or district of Washoe County as shall be designated by the Board of County Commissioners, are hereby created.

SECTION 2. Manner of Making Application for Franchises.

Any person desiring to apply for a franchise shall submit an application in writing to the County Manager of the County of Washoe. The application shall state generally the background, together with business references of the applicant, estimates of costs for service, the number of television channels the applicant will distribute in the County immediately after the service is in operation, the number of television channels contemplated in the future, and all other pertinent information. Upon receipt of an application, the Board of County Commissioners or the County Manager may request additional information of any applicant. The application shall state the area in Washoe County for which a franchise is sought, and a map or plat shall accompany the application and set forth the area in Washoe County for which a franchise is desired.

SECTION 3. Terms, Conditions, Purposes and Character of Franchises.

The franchises shall be granted on the following terms and conditions, shall have the following purpose and character, and shall be granted for the time hereinafter stated.

A. The franchises shall be franchises for the maintenance and operation of television installation systems within the County of Washoe on property of the County or that portion of the County dedicated to public use for the period of ten (10) years from the date each franchise is granted. At the end of the ten (10) years the franchisee shall have the right and option to renew a franchise for an additional ten (10) years under the terms and conditions to be mutually agreed upon by the County of Washoe and the franchisee at that time; provided, however, the franchisees shall have no right or option to renew such franchise unless they have in all respects complied with the provisions and conditions of said franchise.

B. A franchise shall not be granted to any person in the County

74-1759

of Washoe engaging in the business of selling, renting, or repairing radios and television sets, and if the person securing a franchise does at any time during the life of such franchise enter into any such business, said franchise shall be forfeited.

- C. The franchises granted hereunder shall not become effective until a written agreement for each franchise granted is entered into by the successful applicant and the County of Washoe in conformity with the terms of this County Ordinance.
- D. A person securing a franchise shall file a bond running to Washoe County in the penal sum of Ten Thousand Dollars (\$10,000.00), conditioned that said person shall well and truly observe, fulfill, and perform each and every term and condition of said franchise, and that in case of any breach of condition of said bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and sureties on said bond. Said bond shall be approved by the Washoe County District Attorney and shall be filed with the County Clerk of Washoe County within ten days after the date of granting of a franchise, and in case said bond shall not be so filed or shall not be approved by the Washoe County District Attorney, the franchise shall be forfeited.
- E. The person securing each franchise shall
1. Construct, install and maintain or cause to be constructed and maintained all lines, wires, co-axial cables and appurtenances in accordance with and in conformity with all of the ordinances, rules and regulations heretofore or hereafter adopted by the Board of County Commissioners of Washoe County in the exercise of its police powers, and in accordance with the provisions and general laws of the State of Nevada relating to the location and maintenance of such facilities;
 2. Pay to Washoe County, on demand, the cost of all repairs to public property made necessary by any operations under said franchise;
 3. Indemnify and hold harmless Washoe County, the Board of County Commissioners, and the employees of Washoe County for any and all liability for damages proximately resulting from any operations under said franchise, and shall throughout the life of said franchise, maintain in full force and effect with a carrier or carriers selected by franchisee, and satisfactory to the County of Washoe, the following insurance:
 - a. Workman's compensation insurance in compliance with the laws of the State of Nevada,
 - b. Bodily injury liability insurance with limits of Five Hundred Thousand Dollars (\$500,000.00) each person, and One Million Dollars (\$1,000,000.00) each occurrence, and
 - c. Property damage liability insurance with limits of One Hundred Thousand Dollars (\$100,000.00) each occurrence.

The insurance described in 3-b and 3-c above, shall also provide contractual liability coverage satisfactory to Washoe County with respect to liability assumed by the franchisee

74-1759

under the provisions of this paragraph.

- 4. Remove or relocate, without expense to Washoe County, any facilities installed, used or maintained under said franchise if and when made necessary by any lawful change of grades, allignments, or width of any public street, way, alley or place.
- 5. File with the Washoe County Clerk written notice of any contemplated sale, transfer, or assignment, or lease of said franchise, or any part thereof, or of any of the rights or privileges granted thereby thirty days before said sale, transfer, assignment or lease is to become effective, and no such sale, transfer, assignment or lease of said franchise, or any part thereof, shall be effective until first approved by the Board of County Commissioners of Washoe County.
- F. If any person securing a franchise shall fail, neglect or refuse to comply with any of the provisions or conditions herein, and shall not within ten days after written demand for compliance begin the work of compliance, or after such beginning shall not prosecute the same with due diligence to completion, then the Board of County Commissioners of Washoe County may declare such franchise forfeited.
- G. Within twenty days after the granting of a franchise, the County of Washoe and the person securing said franchise, shall enter into a written agreement in conformity with the terms of this County Ordinance.

SECTION 4. Compliance with Nevada Public Service Commission Requirements.

Any person obtaining a franchise shall comply fully with all requirements, rules and regulations which may be promulgated by the Public Service Commission of the State of Nevada as the same may apply to franchisee and its operations under the franchise. Franchisee shall obtain any certificate of necessity which may be required by the Public Service Commission of the State of Nevada for its operations under franchise.

SECTION 5. Persons Defined.

Whenever the word "person" is used herein, said word may be construed to mean an individual or individuals, a corporation, partnership, firm, or association.

SECTION 6.

Washoe County Ordinance No. 108 is hereby repealed.

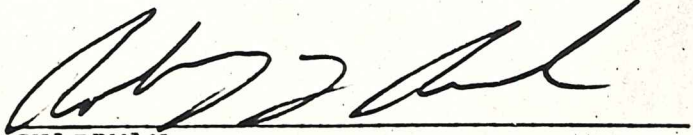
SECTION 7.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 25 day of October, 1974.
Proposed by Commissioner Pagni.
Passed on the 5th day of November, 1974.

VOTE:

Ayes:	Commissioners: Rusk, Nelson, Pagni, Scott and Grow
Nays:	Commissioners: None
Absent:	Commissioners: None


CHAIRMAN

74-1959

ATTEST:

H.K. Brown, Clerk by Ch. Smith Deputy

Clerk

This Ordinance shall be in force and effect from and after the 18th day of November, 1974.

74-1759